



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING DEPARTMENT HEARING

Promoting the wise use of land

MEETING DATE April 18, 2014	CONTACT/PHONE Schani Siong (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT Stephen Samerjan	FILE NO. COAL 13-0098 SUB2013-00040
SUBJECT Hearing to consider a request by STEPHEN SAMERJAN for a Lot Line Adjustment (COAL 13-0098) to adjust the lot lines between two parcels of approximately 32.16 and 21.48 acres each. The adjustment will result in two parcels of approximately 27.14 and 27.12 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located at 8890 Toro Creek Road, approximately 2.5 miles west of Highway 41 and 4 miles west of the City of Atascadero. The site is in the Salinas River planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 13-0098 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on March 21, 2014 (ED13-113).			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Geologic Study Area	ASSESSOR PARCEL NUMBER 046-212-010	SUPERVISOR DISTRICT(S): 2
PLANNING AREA STANDARDS: Salinas River Planning Area – Atascadero Planning Impact Area			
LAND USE ORDINANCE STANDARDS: Geologic Study Area; Subdivision Design Standards – Rural Lands Category			
EXISTING USES: Single-family residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Open Space, undeveloped land East: Rural Lands, vacant, undeveloped land South: Open Space, undeveloped land West: Rural Lands, vacant, undeveloped land			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Cal Fire, City of Atascadero, California Department of Fish and Wildlife, US Forest Service			
TOPOGRAPHY: Gentle to steep slopes		VEGETATION: Grasses, coast live oak woodland, wooded wetland vegetation	
PROPOSED SERVICES: Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE		ACCEPTANCE DATE: March 4, 2014	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
Parcel A: 32.16 acres	Parcel 1: 27.14 acres
Parcel C: 21.48 acres	Parcel 2: 27.12 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the County's zoning and building ordinances.

The current parcel configuration consists of two lots in the Rural Lands land use category. The existing lot line between Parcel A and Parcel C follows the Toro Creek running in an east-west direction across the property. These two parcels are legal lots, which do not conform to the minimum parcel size set forth in Section 22.22.050 of the Land Use Ordinance for the Rural Lands category and will remain non-conforming after the proposed lot line adjustment.

Parcel A has an existing single family residence and Parcel C is a vacant parcel with steep slopes. The proposed lot line adjustment will reconfigure the existing two lots to allow the owner to sell the single family residence on Parcel 1 and retain Parcel 2 with a defined building envelope located on a relatively level portion of the parcel. The proposed lot line adjustment will allow future development on Parcel 2 to be located on the nearly level area adjacent to the existing access road and not on the steep slopes. To further limit the potential development impacts on Parcel 2, the building envelope is setback 75 feet from the creek centerline and 25 feet from the surrounding vegetation drip line. An existing well is located outside the building envelope on Parcel 2.

The adjustment will not result in the creation of any additional parcels and does not create any additional development potential than what exists today. Based on the proposed lot line adjustment and existing topographic conditions, the parcels will maintain a position which is equal to the existing situation relative to the county's zoning and building ordinances.

Minimum Lot Size

Section 22.22.050 of the Land Use Ordinance for Rural Lands establishes the minimum parcel size for new lots based upon four tests: remoteness, fire response times, access and slope. When applied to the subject property, these tests results in a minimum parcel size of 80 acres. Both the existing parcels (32.16 and 21.48 acres) and proposed parcels (27.14 and 27.12 acres) are below the 80-acre minimum. Therefore, the proposed parcel configuration is equal to the existing configuration in terms of minimum parcel size.

Parcel Design Criteria

Section 21.03.010(C)(3) of the Real Property Division Ordinance states that the average depth of a parcel shall be no greater than three times the average width of a parcel. Although the depth of the proposed parcels is more than three times their width, due to topographic

constraints over the northern and southern extents of the parcels, the proposed adjustment would not change the dimensions of the buildable areas, which are located along the relatively level terrain north of Toro Creek. In addition, the proposed adjustment includes a building envelope to ensure that future development avoids impacts to Toro Creek. Therefore, with regards to parcel design criteria, the proposed parcel configuration is equal to or better than the existing configuration.

Access

Parcel 1 does not have frontage on a public road and Parcel 2 does have frontage on a public road. In order to assure access, Parcel 2 must be provided access from Toro Creek road by the recordation of either Offer(s) of Dedication or Declaration(s) of Restrictive Covenant. This requirement is reflected in the conditions of approval.

Salinas River Planning Area: City of Atascadero Planning Impact Area

The proposed lot line adjustment falls within the City of Atascadero Planning Impact Area and has been referred to the City of Atascadero for review and comment.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below the minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

Environmental Considerations

Toro Creek, a mapped blue line stream, traverses the northern section of the property in an east-west direction. Toro Creek supports potential habitat for several special status species, including the federally-threatened California red-legged frog.

Parcel 1 is developed with a single family home situated on the gently sloping terrain just north of Toro Creek. Parcel 2 is currently undeveloped. Due to topographic constraints, the only feasible building location on Parcel 2 would be in close proximity to Toro Creek. In order to avoid potential impacts to riparian habitat and special status species, the applicant revised the lot line adjustment map to include a building envelope on Parcel 2. The building envelope is setback 75 feet from the centerline of Toro Creek and 25 feet from edge of the riparian vegetation. The project is conditioned to require a pre-construction survey for the California red-legged frog prior to commencement of any grading activities on Parcel 2 and implementation of various avoidance measures during construction activities.

AGENCY REVIEW:

Public Works – No significant concerns identified; easement required for access Parcel 1;
Environmental Health – No concerns as proposed;
City of Atascadero – No comments submitted;
RWQCB – No comments submitted;
CA. Fish and Wildlife – No comments submitted;

LEGAL LOT STATUS:

One of the two existing parcels was legally created by a recorded map, Parcel Map CO 72-240, Parcel A (Book 12, Page 14 of Parcel Maps) at a time when that was a legal method of creating parcels.

The other existing parcel was legally created by a recorded map, Parcel Map CO 72-240, Parcel C (Book 12, Page 14 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Schani Siong and reviewed by Airlin Singewald and Bill Robeson.